

**Notice of Allowability****Application No.**

09/841,276

**Examiner**

Christopher Nichols, Ph.D.

**Applicant(s)**

HADCOCK, JOHN R.

**Art Unit**

1647

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 August 2003.
2. ☒ The allowed claim(s) is/are 8.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.**

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____    | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

### DETAILED ACTION

#### *Status of Application, Amendments, and/or Claims*

1. The Amendment filed 27 August 2003 (Reply and Amendment under 37 C.F.R. §1.111 and §1.121) has been received and entered in full. Claims 1-7 and 9-16 have been cancelled.
2. All previous Objections and Rejections are hereby *withdrawn* in view of Applicant's approval of the Examiner's Amendment below.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

8 (Currently Amended) A method of treating obesity, the method comprising the step of administering to an obese patient or a patient at risk of becoming obese a therapeutically effective amount of a compound that is a selective neurotensin- 1 receptor agonist, wherein said agonist is not neurotensin.

4. Authorization for this examiner's amendment was given in a telephone interview with Martha Gammill (Reg. No. 31820) on 23 September 2003.

### REASONS FOR ALLOWANCE

### DETAILED ACTION

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~~1.~~ (Currently Amended) A method of treating obesity, the method comprising the step of administering to an obese patient or a patient at risk of becoming obese a therapeutically effective amount of a compound that is a selective neurotensin- 1 receptor agonist, wherein said agonist is not neurotensin.

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#### REASONS FOR ALLOWANCE

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5. The following is an examiner's statement of reasons for allowance:
6. Applicant's amendments in the Response filed (27 August 2003) overcame all previously made rejections and objections. Therefore claim 8 met the requirements of 35 U.S.C. §112 but opened the door to art-based rejections under 35 U.S.C. §102. The prior art found by the Examiner recited or taught the use of *neurotensin* in methods of controlling food and drink intake but not other neurotensin agonists or "selective neurotensin-1 agonists". Thus the Examiner suggested the limitation of "wherein said agonist is not neurotensin" to avoid the applicable prior art rejections. The art which was found by the Examiner during the art search for this application is listed at the end of this Office Action.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Allowable Subject Matter***

8. Claim 8 is hereby allowed.
9. The following articles, patents, and published patent applications were found by the Examiner during the art search while not relied upon for rejections are here made of note:
  - a. Singh *et al.* (December 1997) "Effects of Microinjections of Cholecystokinin and Neurotensin into Lateral Hypothalamus and Ventral Mesencephalon on Intracrainal Self-Stimulation." Pharmacology Biochemistry and Behavior **58**(4): 893-898

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- b. Williams *et al.* (October 1991) "Reduced Hypothalamic Neurotensin Concentrations in the Genetically Obese Diabetic (*ob/ob*) Mouse: Possible Relationship to Obesity." Metabolism **40**(10): 1112-1116
- c. Cheah (June 1996) "Current Management of Obesity." Singapore Med J. **37**(3): 299-303
- d. Boules *et al.* (19 May 2000) "A novel neurotensin peptide analog given extracranially decreases food intake and weight in rodents." Brain Research **865**(1): 35-44
- e. Stanley *et al.* (1983) "Neurotensin: Effects of Hypothalamic and Intravenous Injections on Eating and Drinking in Rats." Peptides **4**(4): 493-500
- f. Beaurepaire *et al.* (1988) "Anorectic Effect of Calcitonin, Neurotensin and Bombesin Infused in the Area of the Rostral Part of the Nucleus of the Tractus Solitarius in the Rat." Peptides **9**(4): 729-733
- g. Levine *et al.* (1983) "Effect of Centrally Administered Neurotensin of Multiple Feeding Paradigms." Pharmacology Biochemistry & Behavior **18**: 19-23
- h. Hawkins (1986) "Central Nervous System Neurotensin and Feeding." Physiology & Behavior **36**(1): 1-8
- i. Morley (1987) "Neuropeptide Regulation of Appetite and Weight." Endocrine Review **8**(3): 252-287
- j. Luttinger *et al.* (1982) "The effect of neurotensin on food consumption in the rat." European Journal of Pharmacology **81**(3): 499-503

- k. Bailey & Flatt (22 July 1986) "Anorectic Effect of Fenfluramine, Cholecystokinin and Neurotensin in genetically obese (ob/ob) mice." Comparative Biochemistry and Physiology **84**(3): 451-454
- l. Sandoval & Kulkosky (1992) "Effects of Peripheral Neurotensin on Behavior of the Rat." Pharmacology Biochemistry and Behavior **41**(2): 385-390
- m. Bray (1992) "Peptides affect the intake of specific nutrients and the sympathetic nervous system." Am. J. Clin. Nutr. **55**: 265S-271S

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher James Nichols, Ph.D.** whose telephone number is 703-305-3955. The examiner can normally be reached on Monday through Friday, 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gary Kunz, Ph.D.** can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN  
September 24, 2003

*Elizabeth C. Kemmerer*

ELIZABETH KEMMERER  
PRIMARY EXAMINER